

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Braintree Electric Light Department,)	
Hingham Municipal Lighting Plant,)	
Hull Municipal Lighting Plant,)	
Mansfield Municipal Electric)	Docket No. EL08-48-000
Department, Middleborough Gas &)	
Electric Department, and Taunton)	
Municipal Light Plant)	
)	
Complainants)	
)	
v.)	
)	
ISO New England, Inc.)	
)	
Respondent)	
)	

**NOTICE OF INTERVENTION OF THE
MAINE PUBLIC UTILITIES COMMISSION**

The Maine Public Utilities Commission (“MPUC”), by and through undersigned counsel, Lisa Fink and Benjamin J. Smith, State of Maine Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018, and Lisa S. Gast, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street, NW, Suite 800, Washington D.C. 20036, respectfully files this Notice of Intervention in the above-captioned proceeding in response to the Complaint filed on March 28, 2008 by Braintree Electric Light Department, *et al.*, (“Complainants”). In support of its Notice of Intervention, the MPUC states as follows:

I. PRELIMINARY STATEMENT

This Notice of Intervention is filed pursuant to Rule 214(a)(2) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or

“Commission”), 18 C.F.R. §§ 385.214(a)(2) (2007), and the Commission’s April 1, 2008 Notice of Complaint, in which the Commission established April 28, 2008, as the date by which interventions and protests are to be filed.

The persons to whom correspondence, pleadings, and other papers in relation to this proceeding should be addressed and the persons whose names are to be placed on the Commission’s official service list are designated as follows pursuant to Rule 203, 18 C.F.R. § 385.203 (2007):

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II. BACKGROUND INFORMATION

On March 28, 2008, Complainants filed a complaint against ISO New England Inc. (“ISO” or “ISO-NE”). Complainants allege, *inter alia*, that ISO-NE has operated two outdated electric generation units named Canal Electric Generation Unit No. 1 and Canal Electric Generation Unit No. 2 (the “Canal Units”)¹ out of merit; that it has

¹ Located in Sandwich, Massachusetts, near Cape Cod, Canal Electric Generating Unit 1 is a residual fuel oil-fired steam turbine that entered commercial operation on July 1, 1968 while its sister unit, Canal Electric Generating Unit 2, is a residual fuel oil-fired steam turbine unit that is also capable of operating on natural gas. *See Complaint at 3 and n. 3.*

improperly classified these units as Local Second Contingency Protection Resources (“LSCPRs”); that this reliance on the Canal Units has resulted overcharges in the New England region in excess of \$24 million in 2006 and 2007 and an anticipated overcharge of \$13.5 million in 2008; and that, in so doing, ISO-NE has acted contrary to its Transmission, Markets and Services Tariff (“ISO-NE Tariff”). Alternatively, Complainants assert that even if the Commission finds that the ISO-NE Tariff has not been infringed by the actions of ISO-NE, that the ISO-NE Tariff is unjust and unreasonable and should be modified.

III. NOTICE OF INTERVENTION

Under Maine law, the MPUC is the state commission designated by statute with jurisdiction over rates and service of electric utilities in the state. *See* 35-A M.R.S.A. § 101 *et seq.* It is, therefore, a “state commission” under the Commission’s regulations, 18 C.F.R. § 1.101(k) (2007). Accordingly, the MPUC hereby gives notice of its intervention pursuant to Rule 214(a)(2), 18 C.F.R. § 385.214(a)(2) (2007) and respectfully requests that the Commission recognize the MPUC as an intervenor in this proceeding, with all rights attendant thereto.

IV. CONCLUSION

For the reasons discussed above and incorporated by reference herein, the MPUC hereby submits its Notice of Intervention in this proceeding.

Dated: April 28, 2008

Respectfully submitted,

/s/ Lisa S. Gast

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Counsel for the Maine Public
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the service list compiled by the Secretary in this proceeding either by U.S. Mail or electronic service, as appropriate. Dated at Washington, D.C., this 28th day of April, 2008.

/s/ Harry A. Dupre

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